

JUDGE PAULEY

13 CV 3982

Pauley, J

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ATTORNEYS FOR PLAINTIFF
LAURITZEN BULKERS A/S

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAURITZEN BULKERS A/S,

Plaintiff,

-against-

JIT INTERNATIONAL CORPORATION
LIMITED, and PALMAILLE
HOLDINGS LTD.

Defendants.

Civil Action No. 13-CV_____

**ORDER TO ISSUE WRIT OF MARITIME ATTACHMENT AND
GARNISHMENT AND APPOINTING PROCESS SERVER**

On June 11, 2013, Plaintiff, Lauritzen Bulkurs A/S ("Lauritzen" or "Plaintiff"), filed a Verified Complaint in the captioned action seeking damages of **\$20,000,000.00** and seeking the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the

Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

The Court has reviewed the Verified Complaint and the Supporting Declaration of James H. Power dated June 10, 2013, and finds that the conditions of Supplemental Admiralty Rule B appear to exist.

and supporting declaration
The Verified Complaint and the Declaration of James H. Power demonstrate that Defendant's (tangible or intangible) property is contained within Correspondent Bank accounts that are located in this district.

ACCORDINGLY, IT IS HEREBY

ORDERED, that Process of Maritime Attachment and Garnishment shall issue against all goods, chattel, credits, letters of credit, debts, effects and monies, funds, cash, deposits, instruments, credits, debits, wire transfers, accounts, letters of credit, freights, sub-freights, charter hire, sub-charter hire, or any other tangible or intangible property, upon whom a copy of the Process of Maritime Attachment and Garnishment may be served, at the time of service, in an amount of up to **\$20,000,000.00**, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and, it is further,

ORDERED, that any person claiming an interest in any property attached or garnished pursuant to this Order shall, upon application to the Court, be entitled to a prompt hearing at which the Plaintiff shall be required to show why the attachment and garnishment should not be vacated; and it is further,

ORDERED, that any person at least 18 years of age and not a party to this action, employed with or appointed by Holland & Knight LLP, be and hereby is appointed to serve this Order and Process of Maritime Attachment and Garnishment on the garnishee; and it is further,

ORDERED, that a copy of this Order be attached to and served with initial service of the Process of Maritime Attachment and Garnishment upon garnishee HSBC Bank USA, N.A. within this District; and it is further,

ORDERED, that a copy of this Order be attached to and served with initial service of the Process of Maritime Attachment and Garnishment upon garnishee Hong Kong and Shanghai Banking Corporation ("HSBC Bank") via service on HSBC Bank USA, N.A.

~~**ORDERED**, that a copy of this Order be attached to and served with initial service of the Process of Maritime Attachment and Garnishment upon garnishees Standard Chartered Bank, JP Morgan Chase Bank, N.A., Citibank N.A., Bank of New York Mellon, Wells Fargo Bank N.A. and Deutsche Bank Trust Company within this District; and it is further,~~

~~lmo~~
~~lmo~~
~~HSBC Bank USA~~
ORDERED, that the above ~~garnishees~~ shall ~~each~~ restrain \$20,000,000.00 in the Correspondent Bank account of its customer Hong Kong and Shanghai Banking Corporation Limited (HSBC Bank) until such time as garnishee is able to determine what funds or credits in its customer HSBC Bank's U.S. Dollar correspondent account at the garnishee banks belongs to or is held for the benefit of Defendants JIT International Corporation Limited ("JIT") and Palmaille Holdings Ltd. (Palmaille Holdings);

ORDERED, in the event it is immediately determinable by garnishee whether U.S. dollar funds of Defendants JIT and Palmaille Holdings are contained in the subaccount of HSBC Bank's Correspondent Bank account, garnishee shall then immediately restrain those funds, up to \$20,000,000.00;

ORDERED, that Plaintiff shall upon request from any garnishee immediately provide all known account numbers to garnishee to facilitate rapid identification of Defendants' U.S. dollar

funds contained in JIT's or Palmaille Holdings' subaccount of the HSBC Bank Correspondent Bank account;

ORDERED, that HSBC Bank as garnishee shall immediately restrain funds of Defendants JIT and Palmaille holdings up to the amount of \$20,000,000.00.

with
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ORDERED, that upon determining that it is in possession of any property which may be subject to this Order, ~~any garnishee~~ *HSBC Bank via* shall, as soon thereafter as is practicable, advise the Plaintiff

of such details about the attachment as are reasonably available to it; *and file a report under oath with the Court.*

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/ **DONE AND ORDERED** in Chambers at New York, New York, this 12 day of June, 2013.

Eric S. Paulay
UNITED STATES DISTRICT JUDGE

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